

## Department of Veterans Affairs

## § 21.4812

the active military, naval or air service.

(Authority: 106 Stat. 2758, Pub. L. 102-484, sec. 4483(2), 10 U.S.C. 1143, note)

(q) *State*. The term *State* means each of the several States, Territories, and possessions of the United States, the District of Columbia and the Commonwealth of Puerto Rico.

(Authority: 106 Stat. 2758, Pub. L. 102-484, sec. 4483(2), 10 U.S.C. 1143, note)

(r) *Temporary employment*. The term *temporary employment* means employment other than permanent employment.

(Authority: 106 Stat. 2759, Pub. L. 102-484, sec. 4485(a)(3), 10 U.S.C. 1143 note)

(s) *Temporary job*. The term *temporary job* means a time-limited job, particularly one of known, expected, or intended short duration (generally, not to exceed one year and, frequently, shorter).

(Authority: Pub. L. 102-484, sec. 4486(b)(1), 10 U.S.C. 1143 note)

(t) *Unemployed*. The term *unemployed* means that a person is without full-time, permanent employment and wants and is available for full-time, permanent employment.

(Authority: 106 Stat. 2760, Pub. L. 102-484, sec. 4485(a)(3); 10 U.S.C. 1143 note)

(u) *Veteran*. The term *veteran* means a person who—

(1) Served in the active military, naval or air service, as defined in paragraph (c) of this section, and

(2) Was discharged or released therefrom under conditions other than dishonorable.

(Authority: 106 Stat. 2757, Pub. L. 102-484, sec. 4483(2), 10 U.S.C. 1143 note, 38 U.S.C. 101(2))

### §§ 21.4803—21.4809 [Reserved]

#### ELIGIBILITY

### § 21.4810 Eligibility requirements for participation.

To establish eligibility for participation in the Service Members Occupational Conversion and Training program, an eligible person, on the date of application, must—

(a)(1) Be unemployed, and

(2) Have been unemployed for at least 8 of the 15 weeks immediately preceding the date of his or her application for participation in a job training program under this subpart, or

(b) Be separated from the active military, naval or air service and must have had a primary or secondary occupational specialty in the Armed Forces which (as determined under regulations prescribed by the Secretary of Defense and in effect before the date of the eligible person's separation) is not readily transferable to the civilian workforce; or

(c) Be entitled to compensation (or but for the receipt of military retired pay would be entitled to compensation) under laws administered by VA for a service-connected disability rated at 30 percent or more.

(Authority: 106 Stat. 2758, Pub. L. 102-484, sec. 4485(a)(1)(B) and (C) 10 U.S.C. 1143 note)

### § 21.4811 [Reserved]

### § 21.4812 Application and certification.

(a) *Application*. An individual must apply to a facility of the Veterans Benefits Administration for participation in a job training program using the form prescribed by VA.

(Authority: 106 Stat. 2759, Pub. L. 102-484, sec. 4485(b)(1), 10 U.S.C. 1143 note)

(b) *Approval*. VA will approve an application to participate in a job training program if:

(1) The applicant is an eligible person who meets the participation requirements of § 21.4810, and

(2) Funds are available to pay employers under this subpart.

(Authority: 106 Stat. 2759, Pub. L. 102-484, sec. 4485(b)(2); 10 U.S.C. 1143 note)

(c) *Certificates*. (1) Upon approving an eligible person's application, VA will furnish the eligible person with a certificate for presentation to an employer with an existing approved job training program or an employer who is willing to develop and seek approval for a job training program. The certificate will state:

(i) The individual's eligibility to participate;

(ii) The date of the certificate's issuance to the eligible person and the period of its validity, and

(iii) Approval of entrance into a job training program is subject to the availability of funds.

(2) A certificate expires 180 days from the date on which it is furnished to the eligible person. However, VA may renew a certificate for an eligible person when the provisions of §21.4812(b) are met. A renewed certificate expires 180 days from the date on which it is furnished to the eligible person, and may itself be renewed.

(Authority: 106 Stat. 2759, Pub. L. 102-484, sec. 4485(b)(3), 10 U.S.C. 1143 note)

(d) *Disapproval.* If an individual's application is disapproved, VA will give the individual written notice of the decision, including the reasons therefor, a summary of the evidence considered and an opportunity for a hearing. The individual may appeal VA's denial of his or her application under the same process as is provided in Part 19, Subpart B of this chapter.

(Authority: 106 Stat. 2759, Pub. L. 102-484, sec. 4485(b)(3), 10 U.S.C. 1143 note)

**§§ 21.4813—21.4819 [Reserved]**

**APPROVAL OF EMPLOYER PROGRAMS**

**§21.4820 Job training program approval.**

(a) *Eligible persons.* An employer may be paid assistance on behalf of a participating eligible person only for providing a program of job training approved by VA as meeting the requirements of this section and §21.4822.

(1) The training provided under an employer's job training program must be in a field of employment providing a reasonable probability of stable, long-term employment and such training must be provided for a period of not less than 6 months.

(2) An employer may provide all or part of a job training program under an agreement with an educational institution offering the training through a course or courses which have been approved under §21.4253 or §21.4254 for the enrollment of veterans.

(3) An apprenticeship or other on-job training program approved under 38 U.S.C. 3687 will, upon the employer's

submission of an application in accordance with §21.4822 containing the certification required by §21.4822(a)(3)(iii), be considered to have met all requirements for approval under this subpart, and will be approved unless found ineligible under paragraph (b) of this section, and

(4) If a job training program requires more than 18 months (or the equivalent in training hours) of training to complete, the period of training approvable for purposes of this subpart will be limited to the first 18 months (or the equivalent in training hours) of training under that program, or a period of training not to exceed 18 months (or the equivalent in training hours) from the point at which the eligible person enters the program in the case where the employer grants credit for prior training. (See §21.4832(a)(3)).

(Authority: 10 U.S.C. 1143 note; sec. 4481-4497, Pub. L. 102-484, 106 Stat. 2757-2769, as amended by sec. 610, Pub. L. 103-446, 108 Stat. 4673-4674)

(b) *Ineligible programs.* VA will not approve a job training program for employment—

(1) Which consists of seasonal, intermittent or temporary jobs,

(2) Under which commissions are the primary source of income,

(3) Which involves political or religious activities,

(4) With any department, agency, instrumentality or branch of the Federal Government (including the United States Postal Service and the Postal Rate Commission); or

(5) Which will not be performed in a State.

(Authority: 10 U.S.C. 1143 note; sec. 4481-4497, Pub. L. 102-484, 106 Stat. 2757-2769, as amended by sec. 610, Pub. L. 103-446, 108 Stat. 4673-4674)

[60 FR 5852, Jan. 31, 1995, as amended at 61 FR 29296, June 10, 1996]

**§21.4821 [Reserved]**

**§21.4822 Employer applications for approval.**

(a) *Applications for approval of job training programs.* (1) The employer must apply for approval of a job training program to the Director of the VA facility having jurisdiction over the